

IOWA DEPARTMENT OF INSPECTIONS AND APPEALS
DIVISION OF ADMINISTRATIVE HEARINGS
LUCAS STATE OFFICE BUILDING
DES MOINES, IOWA 50319

IN RE:)	
)	
JENNA, BRYAN and LISA SIEVERS)	DOCKET NO. 03DGS002
27135 1 ST AVENUE)	
NEW LIBERTY, IA 52765)	
)	
Appellants,)	
)	
vs.)	
)	
IOWA STATE FAIR BOARD,)	SETTLEMENT AGREEMENT
)	AND CONSENT ORDER
)	
Respondent.)	

Pursuant to Iowa Code Section 17A.10(1), the Iowa State Fair Board [ISF] and Jenna, Bryan and Lisa Sievers [APPELLANTS] enter into the following Settlement Agreement and Consent Order [AGREEMENT] in compromise of disputed claims between the parties:

1. **ACKNOWLEDGEMENTS.** The parties acknowledge the following:
 - A. The ISF has authority to investigate alleged violations of the rules and regulations applicable to 4-H livestock exhibitions held during the annual Iowa State Fair as delineated in the 4-H premium book. The ISF has the additional authority to take disciplinary action against any person found to be in violation of the rules and regulations delineated in the 4-H premium book.
 - B. APPELLANTS participated in the 2002 Iowa State Fair 4-H market steer exhibition.
 - C. On August 16, 2002, ISF disqualified the steer exhibited by APPELLANTS.
 - D. On August 17, 2002, the APPELLANTS sought and received a temporary injunction from the Iowa District Court for Polk County enjoining the ISF from prohibiting APPELLANTS from selling their steer as part of the 2002 Iowa State Fair Sale of Champions.

- E. On October 27 and 28, 2003, a contested case hearing was held before an administrative law judge to adjudicate the propriety of the Iowa State Fair Board's decision to disqualify APPELLANTS' steer from the 2002 Iowa State Fair. On November 26, 2003, the administrative law judge issued a proposed decision reversing the decision of the ISF.
- F. On February 20, 2004, the Iowa State Fair Board issued a final decision reversing the administrative law judge's decision and affirming the original finding disqualifying APPELLANTS' steer from the 2002 Iowa State Fair.
- D. On March 17, 2004, ISF denied APPELLANTS' request for rehearing.
- E. On April 2, 2004, APPELLANTS filed a petition for judicial review in the Iowa District Court for Polk County, No. CV5170.
- F. The parties maintain their respective positions but wish to bring this matter to a conclusion.

2. AUTHORITY. APPELLANTS do not contest that ISF had the authority to disqualify the 4-H market steer exhibited by the APPELLANTS at the 2002 Iowa State Fair. ISF does not contest that Appellant had the authority to seek administrative relief and judicial review of ISF's action.

3. MUTUAL WAIVER OF RIGHTS. By freely and voluntarily entering into this AGREEMENT, the parties waive their rights to seek judicial review of this AGREEMENT or any other action relating to APPELLANTS' participation in the 2002 Iowa State Fair. The parties mutually release, acquit, and forever discharge one another, including all immediate members of the Sievers family and the Iowa State Fair Authority, the Iowa State Fair Board, and the State of Iowa, including all their officers and employees, from any and all liability, whatsoever, including all claims, demands, and causes of action of every nature affecting the parties which they may have or ever claim to have arising from APPELLANTS' participation in the 2002 Iowa State Fair.

4. SCOPE OF AGREEMENT. This AGREEMENT is only applicable to the disposition of the contested case arising from the APPELLANTS' participation in the 2002 Iowa State Fair and shall not be binding as to any other matter.

5. APPROVAL OF ALL PARTIES REQUIRED. This AGREEMENT is contingent upon the approval of all parties. The failure of either the ISF or the APPELLANTS to accept all terms of this AGREEMENT shall render the entire AGREEMENT null and void without force or effect upon any party. If all parties approve this AGREEMENT, the AGREEMENT shall fully dispose of all issues relating to APPELLANTS' appeal.

6. PUBLIC RECORD. This AGREEMENT is a public record and shall be available for public inspection.

IT IS ACCORDINGLY AGREED AND ORDERED THAT:

7. The parties agree that:

- A. APPELLANTS shall dismiss with prejudice their petition for judicial review pending in Polk County District Court in this matter.
- B. Any premium money collected from the sale of steer number 227 shall be donated to Iowa Foundation for Agricultural Advancement.
- C. The championship banner and trophy shall be donated to the Iowa State Historical Society.
- D. The parties authorize Iowa State University to dispose of the carcass of Steer number 227 in whatever manner Iowa State deems appropriate.

WHEREFORE, the terms of this Settlement Agreement and Consent Order are agreed to and accepted by the Iowa State Fair Board and Jenna, Bryan and Lisa Sievers.

IOWA STATE FAIR BOARD

<u>C.W. Thomas</u> 12-10-04	<u>John Lundquist</u> 12/10/04
C.W. THOMAS	JOHN LUNDQUIST
President, Iowa State Fair Board	Assistant Attorney General
	Legal Counsel for Iowa State Fair Board

APPELLANTS

<u>Jenna Sievers</u> 12-15-04	<u>Eldon McAfee</u> 12/15/04
JENNA SIEVERS	ELDON MCAFEE
	Attorney for Appellants
<u>Bryan Sievers</u> 12-15-04	
BRYAN SIEVERS	
<u>Lisa Sievers</u> 12-15-04	
LISA SIEVERS	